

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN A. GROMULAT,

Plaintiff,

-against-

SERVICE EMPLOYEES INTERNATIONAL
UNION 1199, ST. VINCENT'S HOSPITAL
OF WESTCHESTER, and KEVIN
WILLIAMS

Defendants.

USDC SDNY
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DATE FILED: 7/20/2023

22-cv-2916 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this case on April 7, 2022 by filing a complaint [ECF No. 1]. Thereafter Plaintiff's then-counsel Kareem El-Din Abdo filed a motion seeking (1) to withdraw as Plaintiff's counsel based on Plaintiff's failure to communicate with counsel and to make requested payments, and (2) a stay of this action while Plaintiff either sought new counsel or decided to proceed *pro se* [ECF Nos. 16, 17, 18]. In an Order dated June 24, 2022, the Court granted the request to withdraw as counsel and denied the request to stay the case [ECF No. 19]. In the same Order, the Court also extended Plaintiff's time to serve Defendants until September 22, 2022.

To date, no new counsel has appeared for Plaintiff, and Plaintiff has not informed the Court that he wishes to proceed *pro se*. Moreover, Plaintiff has not filed proof of service, or requested an extension of time to serve defendants, and none of the defendants have answered or otherwise appeared. Plaintiff has not taken any other action to prosecute this case.

Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the


plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

It has been more than a year since Plaintiff filed the complaint [ECF No. 1]. The Court previously granted Plaintiff additional time to serve Defendants, but Plaintiff still has not filed proof of service. Plaintiff has not requested additional time to serve Defendants, let alone offered good cause to grant such a request. Accordingly, IT IS HEREBY ORDERED that this case is dismissed, without prejudice, pursuant to Rule 4(m).

SO ORDERED.

Date: July 20, 2023
New York, NY


MARY KAY VYSKOCIL
United States District Judge